THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 12432 OF 2006

Dated 19th February, 2007

Between:

Vani Aided Elementary School,
Ryali, Atreyapuram Mandal,
East Godavari District.

… Petitioner

And

Government of Andhra Pradesh,
represented by its Principal Secretary to
Government, School Education Department,
Secretariat, Hyderabad and others.

…Respondents.

ORAL ORDER:

Though WPMP is listed, but as both the learned counsel represented that the matter is covered by a decision of a Division Bench of this Court, writ petition itself is taken up and is being disposed of.

In this writ petition, the petitioner has questioned the proceedings dated 28.11.2005 passed in proceedings No.112/A4/2005-II by the District Educational Officer, Kakinada, East Godavari District to shift two surplus posts from the petitioner-school. This order was passed based on the orders issued by the Government in G.O.Ms.No.103, dated 5.8.2005 for rationlisation of surplus staff and shifting of posts and persons to the needy schools. The said order was also affirmed by the appellate authority.

In Writ Appeal No. 1578 of 2005 and batch, by judgment dated 29.12.2006 a Division Bench of this Court quashed the orders of rationalization of staff holding that the rationalization was not undertaken in accordance with law. Following the said judgment, the impugned order, as affirmed by the appellate authority, is hereby quashed. However, it is made clear that this will not preclude the competent authorities from undertaking fresh exercise for rationalization in accordance with law.

The Writ Petition is allowed to the extent indicated above. No costs.

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19.2.2007

R.SUBHASH REDDY, J.

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